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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,045	09/24/2004	Sabahattin Cakiral	060414.000009	3160

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EXAMINER

DESHPANDE, KALYAN K

ART UNIT	PAPER NUMBER
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3625

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07/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,045	Applicant(s) CAKIRAL, SABAHATTIN	
	Examiner Kalyan K. Deshpande	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/24/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

The following is a non-final office action in response to the communications received on March 19, 2008. Claims 17-25 are now pending in this application.

Information Disclosure Statement

The examiner has reviewed the patents and articles supplied in the Information Disclosure Statements (IDS) provided on September 24, 2004.

Election/Restrictions

Applicant's election without traverse of claims 17-25 in the reply filed on March 19, 2008 is acknowledged.

Claim Objections

Claim 17 is objected to because of the following informalities: The term "identified" is misspelled "identifed". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnett (U.S. Patent Application Publication 20020087408).

As per claim 17. Burnett teaches “a method of checking properties of wares or services, the method comprising: providing a first database in which the properties of wares or services are stored, the wares or services being identified by a unique product identification code” (see Burnett paragraphs 177), “providing a database in which user profiles containing exclusion or desired criteria for the wares or services for each respective user are stored” (see Burnett paragraphs 408-411), “a particular user selecting a ware or service and determining the product identification code therefor” (see Burnett paragraphs 142 and 177), “retrieving the properties of the wares or services on the basis of the determined product identification code” (see paragraphs 148-151), “retrieving the exclusion or desired criteria for the particular user” (see Burnett paragraphs 408-411; where user profile information is stored on the application server or translation server.), “comparing the retrieved exclusion or desired criteria for the wares or services with the retrieved properties of wares or services” (see Burnett paragraphs 408-411; where user profile information, such as geographic location, are compared to the product properties (including product location).), and “advising the particular user of the result of the comparison” (see Burnett paragraphs 408-411; where a user notified of the results. This is the same as advising the user of the results.). Although Burnett teaches that the user profiles can be stored in either the translation server or application server, Burnett fails to explicitly teach that the user profile information is stored in a second database. Examiner takes Official Notice that it is old

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and well-known in the art to stored distinct information in a separate database. In other words, is it old and well-known in the art to store product information in a first database and contact/user information in a second database. The advantage of such a feature is that it promotes data integrity. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to modify Burnett to include this feature in order to promote data integrity.

As per claim 18, Burnett teaches “the exclusion and desired criteria and said properties are stored in a structured manner, and wherein properties and said exclusion and desired criteria are retrieved by carrying out a hierarchical search” (see Burnett paragraph 239).

As per claim 19, Burnett teaches “a user profile containing said exclusion and desired criteria are stored in a mobile device and the comparison takes place in the mobile device upon receipt of the properties of the wares or services from a central server, or wherein said user profile is transmitted to said central or decentralized server and said comparison takes place in said central server” (see Burnett paragraphs 379-385).

As per claim 20, Burnett teaches “inputting the properties of the wares or services and user profiles containing exclusion or desired criteria in a configuration step” (see Burnett paragraphs 408-411).

As per claim 21, Burnett teaches “the product identification code is a bar code” (see Burnett paragraph 178).

As per claim 22, Burnett teaches “the product identification code is configured as a unique link on the Internet which is adapted, when activated, to access the first database, wherein the particular user enables access to the exclusion or desired criteria, and wherein the comparison operation takes place on a central server” (see Burnett figures 5A-5L).

As per claim 23, Burnett teaches “access to the exclusion or desired criteria is enabled by a cookie stored on a device associated with the particular user (see Burnett paragraph 250).

As per claim 24, Burnett teaches “the product identification code is stored as unique information on the Internet, wherein a client computer reads the product identification code and retrieves the properties of the wares and services from the first database over the Internet, the client computer retrieves the exclusion or desired criteria from said database, which is either at a central server or in a local database on the client computer, and effects said comparison” (see Burnett paragraphs 135-136, 177, 408-411, and figures 5A-5L). Burnett fails to explicitly teach a “second database”. This

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limitation is addressed in the rejection of claim 17; therefore the same rejection applies to this claim.

As per claim 25, Burnett teaches “said exclusion or desired criteria are associated in said database with a unique identification code for each user, and said exclusion or desired criteria are retrieved from said database on the basis of said unique user identification code” (see Burnett paragraphs 408-411). Burnett fails to explicitly teach a “second database”. This limitation is addressed in the rejection of claim 17; therefore the same rejection applies to this claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are pertinent to the current invention, though not relied upon:

Ananian (U.S. Patent Application Publication No. 20030028451) teaches an interactive and enhanced digital Instant Catalog of products, services, and information that is personalized or personally profiled, to each unique user of the catalog.

Swartz et al. (U.S. Patent Application Publication No. 20030132298) teaches a consumer interactive shopping and marketing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kalyan K. Deshpande whose telephone number is (571) 272-5880. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffrey A. Smith/

Supervisory Patent Examiner, Art
Unit 3625

/kkd/